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PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:

Peter Colin Weston BURT

Serial Number: 09/379,492

: Group Art Unit: 3754

Filed: August 23, 1999

: Examiner: Derakshani

For: Aerosol Dispenser With Ultrasonically Welded Closure and Method of Making

REQUEST FOR ORAL HEARING UNDER 37 C.F.R. 1.194

Assistant Secretary and Commissioner
of Patents and Trademarks
Washington, D.C. 20231

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Sir:

Appellant hereby requests an oral hearing in connection with the appeal in the
above-identified application. Submitted herewith is the required fee set forth in 37
C.F.R. 1.17(d).

Respectfully submitted,

BACON & THOMAS, PLLC

10/09/2002 TBESHAN1 00000040 09379492
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Req Oral Hear.2nd.wpd

October 8, 2002

By Richard E. Fichter
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Adjustment date: 11/22/2002 LWSHNG
10/09/2002 TBESHAN1 00000040 09379492
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: Group Art Unit: 3754

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For: Aerosol Dispenser With Ultrasonically Welded Closure and Method of Making

REPLY BRIEF UNDER 37 C.F.R. §1.193

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

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This is in response to the Examiner's Answer mailed August 8, 2002, in connection with the above identified application.

The Examiner's Answer states that the brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending application. Appellant wishes to direct the Examiner's attention to Item II entitled "Related Appeals and Interferences" as set forth on page 1 of the Brief on Appeal. This states that there are no related appeals or interferences with respect to the claimed invention which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal known to Appellant, Appellant's legal representative or assignee. Therefore, the brief does contain the required statement contrary to the assertion in the Examiner's Answer.

In Item 11 of the Examiner's Answer, entitled "Response to Argument", it is stated that as per the decision and remand on 5/1/01 by the Board on page 4, the Examiner has taken the Board's suggestion and applied the Goncalves (French) reference. Appellant wishes to point out that on page 4 of the Board's decision, under the title "Remand to the Examiner", the Board does not suggest that the reference be applied. The Board notes the Goncalves reference and states that "given this

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disclosure, it should be ascertained whether it would have been obvious, in view of Welter, to join the body and closure of the Goncalves container by means of ultrasound welding instead of laser welding. There was no suggestion by the Board to apply the reference but simply to consider the reference.

In view of the arguments of record in Appellant's brief, and the above clarification, the Final Rejection should be reversed and the application passed to issue.

Respectfully submitted,

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October 8, 2002

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